

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
10

11 CESAR A. QUINONES MADERA,

12 Plaintiff,

13 v.

14 UNITED STATES DEPARTMENT OF
15 STATE,

16 Defendant.

Case No. 1:19-cv-01798-AWI-SAB

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
COMPLAINT WITHOUT LEAVE TO
AMEND AND DENYING PLAINTIFF'S
APPLICATION TO PROCEED WITHOUT
PREPAYMENT OF FEES

(ECF Nos. 1, 4, 5)

17
18 Cesar A. Quinones Madera ("Plaintiff"), proceeding *pro se*, filed this action against the
19 United States Department of State due to the failure to return his birth certificate after he applied
20 for a passport. The matter was referred to a United States magistrate judge pursuant to 28 U.S.C.
21 § 636(b)(1)(B) and Local Rule 302.

22 On January 21, 2020, the magistrate judge filed a findings and recommendations
23 recommending that Plaintiff's complaint be dismissed without leave to amend and the
24 application to proceed *in forma pauperis* be denied. The findings and recommendations was
25 served on Plaintiff and contained notice that any objections to the findings and recommendations
26 were to be filed within fourteen (14) days from the date of service. Although Plaintiff paid the
27 filing fee in this action on January 28, 2020, the period for filing objections has passed and no
28 objections have been filed.

1 Since Plaintiff has now paid the filing fee in this action, the motion to proceed *in forma*
2 *pauperis* shall be denied as moot.

3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
4 *de novo* review of this case. Having carefully reviewed the entire file, the court finds the
5 findings and recommendations to be supported by the record and by proper analysis.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The findings and recommendations, filed January 21, 2020, is ADOPTED IN
8 FULL;
- 9 2. The complaint in this action be DISMISSED without leave to amend;
- 10 3. Plaintiff's application to proceed without prepayment of fees is DENIED as moot;
11 and
- 12 4. The Clerk of the Court is DIRECTED to close this matter.

13
14 IT IS SO ORDERED.

15 Dated: March 4, 2020



16 SENIOR DISTRICT JUDGE
17
18
19
20
21
22
23
24
25
26
27
28